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MORGANTOWN

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HUNTINGTON

ROBERT E. SCHMIDT, P.E.
FAIRMONT

WILLIAM E. MOORE, II, P.E.
CHARLESTON
Secretary



STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

OFFICE OF SECRETARY
1800 E. Washington St., Room 411
Charleston, W. Va. 25305
TELEPHONE 348-3554

September 12, 1975

James R. McCartney
Secretary of State
State of West Virginia
State Capitol
Charleston, West Virginia 25305

Dear Sir:

Enclosed are two copies of the amended Rules and Regulations pertaining to Professional Engineers in West Virginia. The amended rules, Pages 1 through 15, replace the present rules, Pages 1 through 22.

I certify that the attached amended Rules and Regulations are true and accurate copies adopted by this Board at its meeting on July 25, 1975, held in Charleston, West Virginia.

Very truly yours,

William E. Moore II
Secretary

WEM:ds

Enclosures

obsolete
valid Oct. 15, 1975
to Dec 29, 1981

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 9/15/75

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

W. Va. State Board of Registration for Professional Engineers

Chapter 30-13
Series I
(1966)

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

Subject: Matters Pertaining to
Rules and Regulations for
Professional Engineers in West Virginia

THIS DATE 9/15/75

Section 1. GENERAL

1.01 Statutory Authority. These rules and regulations are promulgated and issued under the authority granted in Chapter 30, Article 1, Section 5, and Chapter 29A, Article 3, Section 1 of the West Virginia Code of 1931, as amended.

1.02 Location of Office. The office of the West Virginia State Board of Registration for Professional Engineers is located at Room 411, 1800 East Washington Street, Charleston, West Virginia 25305.

Section 2. DEFINITIONS

2.01 "Code" means the official code of West Virginia, as amended.

2.02 "EIT" means Engineer in Training.

2.03 "NCEE" means National Council of Engineering Examiners.

2.04 "PE" means Professional Engineer

Section 3. APPLICATIONS

3.01 Registration as a Professional Engineer. Applicants for admission to the examination in the Principles and Practice of Engineering and applicants for registration by comity must use the standard application form for registration as a Professional Engineer.

Holders of a current Council Record of the National Council of Engineering Examiners, who will have the Council Record forwarded directly from National Council, need fill in only Items 1, 2, 7, 8 and 9 of the application form.

3.02 Certification as an Engineer in Training. Applicants for admission to the examination in only the Fundamentals of Engineering should use the abbreviated application form for certification as an Engineer-in-Training.

3.03 Residence Requirements. The Board will accept applications for PE registration from any person who has previously been certified by this Board as an EIT and grant registration upon satisfactory completion of the required examination, regardless of his then place of domicile, provided that not more than 12 years have elapsed since the date of original issuance of the EIT certificate.

The Board will not otherwise accept applications from any nonresident person who has not been previously registered in the state of his residence or state of principal practice except as otherwise stated in Rule 5.04.

Section 4. EXAMINATION

4.01 Applicants for registration are required to pass written examinations in conformance with the statutory provisions of the Code and the rules and regulations promulgated by the Board, except as otherwise stated herein.

4.02 Application Dates. Applications shall be in the Board office eight weeks prior to the examination date.

4.03 Examination Schedule. EIT and PE examinations will be given in the spring and fall in Charleston, Morgantown or any other location designated by the Board. The examinations will be in two eight-hour sessions.

4.04 Examination Content. One day of the examination will cover the Fundamentals of Engineering. The other day of the examination will cover the Principles and Practice of Engineering in the branch of engineering requested by the applicant or decreed by the Board.

4.05 Branch of Engineering. Examinations will be given in the following branches:

Agricultural	Manufacturing
Ceramic	Mechanical
Chemical	Mining
Civil	Nuclear
Community Planning	Petroleum
Electrical	Sanitary
Industrial	Structural

Successful applicants will be registered as a professional engineer without reference to branch in either their certificate or seal, but the branch in which they were examined will appear in the official roster.

4.06 Passing Grades. The passing Board grade for each examination shall be 70%.

4.07 Readmission to Examination. An applicant who fails the examination may be readmitted as provided in Section 7.03; Provided, That after four failures the applicant must wait two years and present satisfactory evidence of additional study before being permitted to reapply.

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4.08 Graduates of Board Approved Curricula. Graduates of Board approved engineering curricula will be admitted to the Fundamentals of Engineering examination immediately preceding their graduation or at any time thereafter and may be certified as an EIT upon successful completion of the examination.

These graduates may be admitted to the examination in the Principles and Practice of Engineering after four years of Board approved engineering experience following their graduation.

The examination in the Fundamentals must be taken prior to or at the same session with the examination in the Principles and Practice, but they may be passed independently.

Under unusual circumstances, applicants over 40 years of age with 15 years of engineering experience satisfactory to the Board, may be excused from the eight-hour written examination in the Fundamentals of Engineering and gain registration by successfully passing an eight-hour written examination in the Principles and Practice of Engineering. Registration under this provision may not be recognized by other Boards.

Under unusual circumstances, applicants over 50 years of age with 20 years of engineering experience satisfactory to the Board, may be registered after passing an oral and/or short written examination. Registration under this provision may not be recognized by other Boards.

4.09 Graduates of Board Approved Allied Science Curricula.

Graduates of Board approved allied science curricula may be

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admitted to the Fundamentals of Engineering examination immediately preceding their graduation or at any time thereafter but will not be granted EIT status until they have passed the examination and completed six years of engineering practice under the supervision of registered Professional Engineers who can attest to the engineering nature of the work.

These applicants may be admitted to the examination in the Principles and Practice of Engineering after they have been certified as an EIT. Certification under this section may not be recognized by other engineering registration boards.

Four year degrees in Engineering Technology will be treated as an allied science degree.

4.10 Applicants Without a Four Year Engineering or Allied Science Degree

Applicants without a four year college degree in engineering or an allied science will be required to present satisfactory evidence of ten years of education and experience in engineering under the supervision of registered Professional Engineers who can attest to the engineering nature of the work before admission to the examination in the Fundamentals of Engineering. The Board may request that the supervising registered Professional Engineers furnish affidavits testifying to the nature and extent of the engineering experience of the applicant. The Board may require a personal interview with the applicant before admission to the examination in the Fundamentals of Engineering.

These applicants may be admitted to the examination in the Principles and Practices of Engineering after they have been certified as an EIT.

Section 5. OTHER REQUIREMENTS FOR REGISTRATION

5.01 References. Applicants applying for admission to the examination in the Principles and Practice of Engineering will be required to submit the names of three professional and two character references.

5.02 Transcript of Grades. The applicant shall have transcripts of grades mailed direct from the school or college to the Board with the signature of the proper school officer and the embossed seal of the school.

5.03 Registration by Comity. The Board evaluates the requirements which led to the granting of prior registration, and if they are equivalent to that required by West Virginia at that time, registration by comity may be granted.

All applicants have been required to pass a sixteen hour written examination since January 1, 1953, except as specifically exempt under Section 4.08.

5.04 Federal Government Personnel. Applicants for registration who are members or employees of certain governmental agencies of this nation, subject to frequent transfers in the line of duty, and who may not have permanent home addresses, will be treated as West Virginia residents if their assignments at the time of application include duties in this state.

5.05 Experience Credit for Graduate Work. Additional experience

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credit may be granted for postgraduate education if, in the opinion of the Board, substantial research or teaching experience was involved.

Section 6. SEAL

6.01 Each registrant, upon notification of registration, is authorized to obtain an official seal of the size and design prescribed by the Board. The seal shall include the following information:

State of Registration
Registrant's Name
Registrant's Registration Number
Contain the words "Professional Engineer"

The seal may be embossed or a rubber stamp.

6.02 The official seal shall be affixed immediately above the signature of the person preparing or responsible therefor in the following cases:

- A. Plans or documents filed or offered for filing with any public body or agency.
- B. Plans, specifications, designs, sketches, drawings, surveys, reports, etc. that may be or may become a part of legal archives.
- C. Plans and documents formally submitted to contractors and clients.
- D. The first sheet of any bound documents, however, said first sheet must bear a statement as to the number of bound sheets.
- E. Revisions to documents must be numbered, dated and initialed by the person whose seal appears on the drawings.
- F. In the case of multiple sealings, the first or title page shall be sealed and signed by all involved.

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G. In the case of a temporary permit issued to a registrant of another state, the registrant shall use his state of registration seal and shall affix his signature and temporary permit to all his work.

6.03 Rubber stamp seal facsimilies may be used when properly dated and initialed where necessary for document duplication.

6.04 Each registrant shall be held responsible for the proper use of his seal.

Section 7. FEES

7.01 The annual renewal fee will be set by the Board.

7.02 The penalty for late renewal will be 10% of the renewal fee for each month the certificate has lapsed up to six months, after which the renewal fee will be \$50, up to twenty-four months, at which time the certificate shall expire.

7.03 The fee for retaking a failed examination will be set by the Board to cover the cost of the graded examination from the NCEE.

7.04 The fee for the replacement of a valid certificate of registration shall be ten dollars.

Section 8. DISCIPLINARY PROCEEDINGS.

8.01 Complaints. The Board may receive and investigate complaints pertaining to professional engineers and the practice of engineering and make findings thereon.

8.02 Revocation or Suspension. The Board may suspend or revoke the certificate or registration of any professional engineer registered hereunder who fails to conform to rules of professional conduct as set

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forth below.

8.03 Professional Conduct. In order to safeguard the life, health, property and welfare of the public, and to establish and maintain a high standard of integrity, skills, and practice in the profession of engineering, the following Rules of Professional Conduct shall be binding upon every person holding a certificate of registration as a professional engineer and on all partnerships or corporations or other legal entities authorized to offer or perform engineering services in this state.

All persons registered in the State of West Virginia are charged with having knowledge of the existence of these Rules of Professional Conduct, and shall be deemed to be familiar with their several provisions and to understand them. Such knowledge shall encompass the understanding that the practice of engineering is a privilege, as opposed to a right, and the registrant shall be forthright and candid in his statements or written response to the Board or its representatives on matters pertaining to professional conduct.

THE PROFESSIONAL ENGINEER SHALL:

A. CONDUCT HIS PRACTICE IN ORDER TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE.

He shall at all times recognize his primary obligation to protect the safety, health, and welfare of the public in the performance of his professional duties. If his engineering judgment is overruled under circumstances where the safety, health and welfare of the public are endangered, he shall inform his employer of the possible

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consequences and notify such other proper authority of the situation, as may be appropriate.

B. PERFORM HIS SERVICES ONLY IN AREAS OF HIS COMPETENCE.

(1) He shall undertake to perform engineering assignments only when qualified by education or experience in the specific technical field of professional engineering involved.

(2) He may accept an assignment requiring education or experience outside of his own field of competence, but only to the extent that his services are restricted to those phases of the project in which he is qualified. All other phases of such project shall be performed by qualified associates, consultants or employees.

(3) He shall not affix his signature and/or seal to any engineering plan or document dealing with subject matter to which he lacks competence by virtue of education or experience, nor to any such plan or document not prepared under his direct supervisory control.

(4) In the event a question arises as to the competence of a professional engineer to perform an engineering assignment in a specific technical field of engineering which cannot be otherwise resolved to the Board's satisfaction, the Board, either upon request of the professional engineer or by its own volition, may require him to submit to an appropriate examination as determined by the Board.

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C. ISSUE STATEMENTS ONLY IN AN OBJECTIVE AND TRUTHFUL MANNER.

(1) He shall be completely objective and truthful in all professional reports, statements, or testimony. He shall include all relevant and pertinent information in such reports, statements or testimony.

(2) He shall, when serving as an expert or technical witness before any court, commission, or other tribunal, express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of his testimony.

(3) He shall issue no statements, criticisms, or arguments on engineering matters connected with public policy which are inspired or paid for by an interested party, or parties, unless he has prefaced his comment by explicitly identifying himself, by disclosing the identities of the party or parties on whose behalf he is speaking, and by revealing the existence of any pecuniary interest he may have in the instant matters.

D. SHALL AVOID CONFLICT OF INTEREST.

(1) He shall conscientiously avoid conflict of interest with his employer or client, but, when unavoidable, he shall forthwith disclose the circumstances to his employer or client.

(2) He shall avoid all known conflict of interest with his employer or client and shall promptly inform his employer or

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client of any business association, interests, or circumstances which could influence his judgment or the quality of his services.

(3) He shall not accept compensation, financial or otherwise, for more than one party for services pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to, by all interested parties.

(4) He shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products.

(5) He shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with his client or employer in connection with work for which he is responsible.

(6) When in public service as a member, advisor, or employee of a governmental body or department, he shall not participate in considerations or actions with respect to services provided by him or his organization in private engineering practices.

(7) He shall not solicit or accept an engineering contract from a governmental body on which a principal officer of his organization serves as a member.

E. SOLICIT OR ACCEPT WORK ONLY ON THE BASIS OF HIS QUALIFICATIONS.

(1) He shall not offer to pay, either directly or indirectly, any commission, political contribution, or a gift, or other consideration in order to secure work, exclusive of securing

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salaried positions through employment agencies.

(2) He shall seek professional employment on the basis of qualification and competence for proper accomplishment of the work. He shall not solicit or submit proposals for professional services on the basis of competitive bidding. Competitive bidding is defined as the formal or informal submission, or receipt, of verbal or written estimates of cost or proposals in terms of dollars, man-days of work required, percentage of construction cost, or any other measure of compensation whereby the prospective client may compare engineering services on a price basis prior to the time that one engineer or one engineering organization, has been selected for negotiations; provided, however, the submission and discussion of data published by professional engineering societies is not considered to constitute competitive bidding.

(3) He shall not falsify or permit misrepresentation of his, or his associates', academic or professional qualifications. He shall not misrepresent or exaggerate his degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint venturers, or his or their past accomplishments with the intent and purpose of enhancing his qualifications and his work.

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F. ASSOCIATE ONLY WITH REPUTABLE PERSONS OR ORGANIZATIONS.

(1) He shall not knowingly associate with or permit the use of his name or firm in a business venture by any person or firm which he knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature.

(2) If he has knowledge or reason to believe that another person or firm may be in violation of any of the provisions or of Chapter 30, Article 13 of the West Virginia Code of 1931, as amended, he shall present such information to the Board in writing and shall cooperate with the Board in furnishing such further information or assistance as may be required by the Board.

Conviction of a felony without restoration of civil rights, or the revocation or suspension of a professional engineer's license by another jurisdiction, if for a cause which in the State of West Virginia would constitute a violation of Chapter 30, Article 13, of the West Virginia Code of 1931, as amended, or of these rules and regulations, shall be grounds for a charge of violation of these rules.

A certified record in such cases shall be conclusive evidence thereof.

8.04 The Board shall automatically revoke the certificate, license or registration of any person who while under suspension continues to practice in violation of such suspension.

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8.05 Invalidation of one or more of the provisions of these rules and regulations by a court of competent jurisdiction shall not operate to invalidate the remainder of these rules and regulations.